

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Billie L. Bumgarner, *Administratrix with Will  
Annexed of the Estate of on behalf of* Russell  
E. Lehman,

Plaintiff(s)

VS.

Ford Motor General Retirement Plan, et al.,

Defendant(s).

[illegible]

Case Number: 1:14cv788

Judge Susan J. Dlott

## ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on March 10, 2015 a Report and Recommendation (Doc. 29). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 31). Plaintiff also filed a Notice of Supplemental Authority( Doc. 32) and defendants filed a response to the objections to the Report and Recommendation (Doc. 34).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, defendants' partial motion to dismiss (Doc. 17) is **GRANTED** in part and **DENIED** in part. It is ORDERED that Count I (Promissory Estoppel), Count II (Breach of Fiduciary Duty) and Count IV (Breach of Contract) are **DISMISSED** with prejudice for failure to state a claim, but that Defendants' motion to dismiss Ford National Employee Services Center

and the Ford Motor General Retirement Plan as defendants are **DENIED**.

IT IS SO ORDERED.

s/Susan J. Dlott  
Judge Susan J. Dlott  
United States District Court